

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2000-365-T - ORDER NO. 2004-142

MARCH 25, 2004

IN RE: Request of Staff to Cancel Class E Certificate) ORDER CANCELLING
of Public Convenience and Necessity No.) CERTIFICATE ✓✓
9712 of Contract Labor Moving & Transport,)
Inc.)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of the Commission Staff (Staff) to cancel Class E Certificate of Public Convenience and Necessity No. 9712 (Certificate) in the name of Contract Labor Moving & Transport, Inc. (Contract Labor or the Company), 203-C Old Salem Road, Seneca, SC 29678 for failure to comply with certain reporting requirements set forth in the Commission's Rules and Regulations. A review of the docket file reveals that Contract Labor was granted authority to transport household goods by this Commission in Order No. 2001-89, dated January 30, 2001, whereupon Certificate No. 9712 was issued.

On March 17, 2004, Staff filed a request to the Commission for cancellation of Contract Labor's Certificate No. 9712. Staff asserts that Contract Labor has failed to file the Company's annual report with the Commission and that the mailing of the annual report form to Contract Labor was returned by the postal service to the Commission's Audit Department as "attempted, not known." Upon further investigation, Staff was informed that Contract Labor was no longer in the moving business. As reflected in the docket file, the Commission's Transportation Department mailed correspondence to Contract Labor on February 17, 2004, advising the Company of the "returned mailing"

and of the information obtained that the Company was no longer in business. Contract Labor was given until Monday, March 15, 2004, to respond to this correspondence and was advised that failure of the Company to respond by March 15, 2004, would result in Staff requesting that Contract Labor's Certificate be cancelled. The record evidences that Contract Labor did not respond, and accordingly, the Staff requests that Certificate No. 9712 be cancelled.

Pursuant to R. 103-231 of the Commission's Rules and Regulations, every motor carrier operating under a Certificate of Public Convenience and Necessity shall file with the Commission on or before March 31 of each year an annual report for the preceding calendar year. The Commission may, pursuant to R.103-240, at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission.

Upon full review of the matters asserted in Staff's request, the Commission is of the opinion, and so finds, that the relief requested should be granted. We grant the relief sought. Clearly Contract Labor is in violation of Commission Regulations in that the Company has failed to file its annual report. Accordingly, Class E Certificate of Public Convenience and Necessity No. 9712 issued to Contract Labor Moving & Transport, Inc. is hereby cancelled.

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This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn, Chairman

ATTEST:



Bruce F. Duke, Executive Director

(SEAL)